

**TOWN OF DAVIE  
REGULAR MEETING  
AUGUST 17, 2005**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:37 p.m. and was followed by the Pledge of Allegiance led by Boy Scout Troop 111 of Plantation.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley, Paul (arrived at 7:04 p.m.) and Starkey. Also present were Town Administrator Kovanes, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. PRESENTATIONS**

**3.1. Take a Kid Fishing Volunteers**

Special Projects Director Bonnie Stafiej spoke of the success of the 23rd Annual Take-A-Kid Fishing event. Mayor Truex presented volunteers with certificates of recognition.

**3.2. Davie's Affordable Pet Shot Program - Animal Health Care Service**

Human Resources Director Mark Alan explained the Town's Community Support Function Team and its role within the Town's Comprehensive Emergency Management Plan.

Ms. Stafiej thanked Animal Health Care Services staff for its efforts in providing affordable pet shots and shelter programs for residents. Mayor Truex presented certificates of recognition to Dr. Arsenio Rodriguez, Katie Solas, Kimberly Vazquez, and Milagros Gonzales.

**3.3. Recognition of Davie Mobile Home Hurricane Evacuation Team - Memorial Healthcare Systems Volunteers**

Housing and Community Development Director Shirley Taylor-Prakelt discussed staff's role in emergency planning and evacuation of mobile homes. She spoke of the Town's exceptional partnership with Memorial Healthcare Systems Volunteers and introduced Lisa King of Memorial Healthcare. Ms. King spoke of Memorial Healthcare Systems' commitment to community involvement.

Mayor Truex presented Ms. King with a certificate of recognition.

**3.4. East-West Transit - Department of Transportation**

Scott Seeburger provided an update on the East-West transit analysis and referred Council to illustrations showing sites being considered for stations. He advised that a public hearing would be held in November regarding this item. Mr. Seeburger advised that Florida Department of Transportation (FDOT) would be going ahead with the EIS.

Mayor Truex asked how stations on either side would be accomplished. Mr. Seeburger advised that this question was part of the dialogue that needed to be pursued. Mayor Truex asked if it would be possible to have stations on either side, with the elevated railway running down the middle. Mr. Seeburger stated that a north station would not alleviate the traffic situation for western Davie.

Councilmember Starkey felt the parking garages were being placed on the Town's side, with no benefits to the Town. She stated that Council's position favored the guideway in the median of I-595 with stations alternating on either side. Mr. Seeburger indicated that FDOT was looking at a system without many stops. Councilmember Starkey asked about the EIS timeline. Mr. Seeburger advised that the EIS would begin in July 2006 and take approximately two years. Mr. Seeburger stated that a meeting was scheduled with the Town at the end of the month.

Councilmember Paul reiterated that Council was against stations on the south side of I-595. She added that the Plantation's mayor agreed that the stations should be shared by both cities.

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Councilmember Crowley asked if a higher density was proposed around the stations. Mr. Seeburger advised that FDOT would not seek to change commercial land use to residential, but felt increased density would be of benefit to the system. Councilmember Crowley voiced his opposition to the project because of proposed land use changes and shared stations.

Councilmember Paul felt the Town should be able to draw a line in the sand since so many of the impacts would affect Davie. She asked that FDOT notify the Town regarding scheduled meetings with homeowner's associations.

#### **3.5. Community Redevelopment Agency (CRA) - Chair Mark Engel**

Mr. Engel updated Council on the CRA's recent activities. He advised that the CRA was working to provide two workforce housing units above the Dunkin Donuts at 38th and Davie Road; however, the drainage and parking issues at the site had to be addressed. Mr. Engel indicated that a developer was considering a mixed-use development on the adjacent site. He advised that surveying was complete and that engineering and drainage studies had begun. Mr. Engel added that work on the Davie Chamber of Commerce lot had begun. Regarding the State Road 7 Charette, the CRA had budgeted to hire consultants to implement projects on the east side. Redevelopment Administrator Will Allen was working on the Regional Activity Center master plan. Mr. Engel announced that proposed dates for the Town Hall area charette were October 22nd and December 10th.

Councilmember Paul asked if the back property to be developed was an outparcel to the rest of the property. Mr. Allen replied in the negative and advised that development of the site overall would not be impacted. Mayor Truex asked that staff meet with Council to plan meeting dates for the charette.

#### **3.6. Teen Challenge - Mayor Truex**

Mayor Truex asked for a motion to approve a proclamation proclaiming September 22, 2005 as Teen Challenge Day.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex welcomed representatives from Teen Challenge and read the proclamation.

An unidentified man thanked Council and spoke of the history of Teen Challenge's outreach program.

Mayor Truex advised that item 4.19 was withdrawn.

Development Services Director Mark Kutney advised this item would come back before Council as a public hearing. Mayor Truex requested a meeting with the applicant.

Mayor Truex announced that items 4.18, 6.6 and 6.7 were requested to be tabled to September 7, 2005. Mr. Kovanes indicated staff needed more time to work with the applicant.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 6.8 was requested to be tabled to September 7, 2005.

Councilmember Paul advised that Council was in a position to withdraw this item based on information provided by staff. Due to scheduling, the applicant was unable to meet to hold meaningful discussion on staff's concerns. Mayor Truex recommended that the item be tabled a month.

Scot Di Stefano, representing the petitioner, agreed to the tabling.

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Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley to table to September 21, 2005. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

Mayor Truex announced that item 4.20 was requested to be tabled to September 21, 2005.

Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 4.23 needed to be added.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 8.2 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 4.1. July 6, 2005 (Regular Meeting)
- 4.2. July 20, 2005 (Regular Meeting)
- 4.3. August 3, 2005 (Special Executive Session)

*Proclamation*

- 4.4. International Association of Firefighters Week (September 1 - 11, 2005)

*Resolutions*

- 4.5. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2005-223 **SELECTING THE FIRM OF ASHBRIIT, INC. TO PROVIDE DISASTER RECOVERY SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SUCH SERVICES. (reimbursable through FEMA)**
- 4.6. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2005-224 **AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN FIVE STAR RODEO INC AND THE TOWN OF DAVIE.**
- 4.7. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
**APPROVING THE DEVELOPERS AGREEMENT DA 6-1-05 LONG LAKE RANCHES, AMENDING A CONDITION OF APPROVAL ASSOCIATED WITH THE PLAT KNOWN AS LONG LAKE ESTATES II, WHICH WAS APPROVED BY RESOLUTION NO. R-2000-210; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 6-1-05, Long Lake Ranches, 3201 Hiatus Road, 3304 Hiatus Road, and 3501 Nob Hill Road)**

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- 4.8.       **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DEVELOPERS AGREEMENT DA 6-2-05 BLACKHAWK RANCHES, CONSENTING TO THE ELIMINATION OF OFF-SITE IMPROVEMENTS REQUIRED BY BROWARD COUNTY FOR THE PLAT KNOWN AS BLACKHAWK RANCHES; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 6-2-05, Blackhawk Ranches Plat, LLC, 4450 Hiatus Road)
- R-2005-225   4.9.       **PLANNING SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF EDSA TO PROVIDE MASTER PLANNING SERVICES FOR THE DAVIE REGIONAL ACTIVITY CENTER AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- R-2005-226   4.10.      **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED AGREEMENT FOR LEGAL SERVICES BETWEEN THE TOWN OF DAVIE AND MONROE D. KIAR TO PERFORM THE DUTIES OF THE TOWN ATTORNEY AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2005-227   4.11.      **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A DRAINAGE EASEMENT FROM MICHAEL DEVINE, PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.
- R-2005-228   4.12.      **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ACCEPTANCE AND EXECUTION OF AN EMS GRANT FOR EMERGENCY MEDICAL CARTS AWARDED THROUGH THE EMS COUNTY AWARD GRANTS PROGRAM FROM THE BROWARD COUNTY MEDICAL EXAMINER AND TRAUMA SERVICES DIVISION.
- R-2005-229   4.13.      **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE STATE OF FLORIDA, THE FLORIDA SHERIFFS ASSOCIATION, FLORIDA FIRE CHIEFS ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES BID FOR SIX (6) TYPE 1 MEDIUM DUTY FIRE RESCUE AMBULANCES FROM AMERICAN EMERGENCY VEHICLE, INC. (AEV) (\$970,004).
- R-2005-230   4.14.      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE TO PROVIDE A SCHOOL RESOURCE OFFICER PROGRAM FOR WESTERN HIGH SCHOOL, INDIAN RIDGE MIDDLE SCHOOL AND SEVEN ELEMENTARY SCHOOLS IN THE TOWN OF DAVIE.
- R-2005-231   4.15.      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN ALPINE WOODS CONDOMINIUM ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

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*Temporary Uses*

- 4.16. TU 7-6-05, Rick Case Hyundai, 3550 Weston Road

*Quasi-Judicial Consent Agenda*

- 4.17. SP 2-4-03, Oak Scholar Academy Charter School, 3655 Shotgun Road (AG) (tabled from August 3, 2005) *Site Plan Committee recommended approval subject to compliance with the staff report and in addition, 1) that the petitioner will install pavers in the four crosswalks of the 24-foot bypass drop-off area; 2) that the left-turn at the traffic circle be manually controlled by school staff during peak drop-off and pickup times; 3) that the sidewalk at the main entrance on the north side of the school shall be widened to an eight-foot clearance and move the decorative circles in order to achieve that widening; 4) that the petitioner agrees to prohibit cafeteria deliveries during peak drop-off and pickup times; 5) that a can wash will be installed by the dumpsters; 6) that the Queen Palms in the courtyard areas will be changed to double Alexandra Palms 18-to 20-feet tall; 7) that the Bald Cypress on the south property line will be changed to Live Oaks; 8) that the Sabal Palms at the northeast and southeast corners of the buss drop-off entrance area will be changed to heights of 16-to 30-foot overall; 9) maintain lighting at 3.0 at the main entrance and drop-off and pickup lanes; and 10) that there shall be a real bell in the bell tower*
- 4.18. SP 5-5-04, Shenandoah Square, 13600 State Road 84 (B-2) *Site Plan Committee recommended approval based on the planning report and these items: 1) that the color of this building is to match the existing center, even if it is two or three colors and to add a stucco band around the columns and the building which if it is to match the existing building, it would be white with a separation between the two colors; 2) the roof is to be a clay barrel tile to match the existing center (not cement); 3) the soffit over the drive-thru at the south end should be pulled back to within one-foot of the face of the column to allow a 14-foot clear height underneath the roof overhang at the bypass lane; 4) on the east side of the existing eastern drive that is currently a one-way driveway, remove the current 45° angle parking spaces to reconfigure that area to a 22 to 24-foot two-way drive curbed on the east side adding a little bit of landscaping in what would become an island so that part of that area will allow a two-way drive circulation, all of which is to be reviewed by Engineering; 5) add a stop sign at the north end; and 6) that the stucco band which is to be added around the building and columns is to be three-feet above finished floor*
- 4.19. SP 7-4-04, B & R Development I, 7780 Griffin Road (B-2) *Site Plan Committee recommended approval based on the planning report except for item number three and that regarding item number one - to allow parking space “#70” to be a “staff only” space unless it eventually works out to become available due to the development of the property site to the east - 1) correct the tabulations showing all the spaces and how they relate to parking, in other words, on each floor plan, label each area; 2) indicate the crosswalks on the west and north with concrete pavers; 3) the light posts on the site are not to be FPL post-top fixtures as shown on the plans; they are all to be the three decorative posts also shown on the plans; 4) on the colors, revisit awning, window and door colors and review selection with staff; and 5) the sign band on the front of the building is to be made a consistent height for flexibility of the signs in the future*

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- 4.20. SP 10-2-04, Dunkin Donuts Restaurant, 3884 SW 64 Avenue (B-2) *Site Plan Committee recommended denial because the Committee was of the opinion that the Town would never accomplish what it expected of the downtown if it continued to approve parcel-by-parcel items which did not meet the intent of the Western Theme. The Committee decided on an addendum to its recommendation that the following comments be implemented into the site plan should the Council decide to reverse the Committee's recommendation to deny: 1) address the covered walkway on the north side of the building to be extended the entire length and that the east side of the building was totally barren; 2) the pavers at the corner are to match the current pattern; 3) look at the handicapped space location do to slope into the building; 4) bike racks are missing; 5) the Committee did not like the signage colors; and 6) parking arrangement has a dead end, no outlet parking area which does not work*
- 4.21. SP 4-8-05, EPD Laboratory, 3211 College Avenue (CF) *Site Plan Committee recommended approval*
- 4.22. P 3-2-03, Downtown Davie, 6200 Griffin Road (Griffin Corridor District - Downtown Zone) *Planning and Zoning Board recommended approval*

*Items to be added*

- 4.23. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2005-232 AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVIE TRAVEL CENTER, INC. AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR AN AFFECTIVE DATE.
- 4.24. APPROVING THE PLAT KNOWN AS "DOWNTOWN DAVIE" AND  
R-2005-233 AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. P 3-2-03, Downtown Davie, 6200 Griffin Road (Griffin Corridor District - Downtown Zone)

Vice-Mayor Hubert pulled items 4.7, 4.8 and 4.22. Councilmember Paul pulled items 4.10 and 4.17. Mayor Truex pulled items 4.4, 4.21 and 4.23.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve the Consent Agenda minus items 4.4, 4.7, 4.8, 4.10, 4.17, 4.21, 4.22 and 4.23. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.4 Mayor Truex presented a proclamation to Fire Chief Don DiPetrillo.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.7 Vice-Mayor Hubert suggested that GL Homes do the road improvements on Hiatus Road. Town Engineer Larry Peters explained that a large culvert at the intersection of Hiatus Road and Orange Drive needed drainage. He indicated staff held several meetings with homeowners and provided several alternatives, and the community chose what was being proposed. Mr. Peters advised that in lieu of each developer doing their portion of the work, it was decided that the Town would do all the work and the developers would contribute towards the construction. He indicated the estimate was more than \$1

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million for the Orange Drive and Hiatus Road intersection. Mr. Peters advised that the developer's contributions were \$616,000.

Councilmember Crowley wanted to table this item to review the cost estimate.

Gladys DiGeronimo, representing the petitioner, was not opposed to tabling if it did not delay their acquisition of COs. Councilmember Starkey felt it was not appropriate to hold up the COs when it was Council who was trying to get a better product. Assistant Town Administrator Ken Cohen felt the Town could allow the issuance of COs since there would not be that many until the next hearing on this item.

Vice-Mayor Hubert asked how many homes GL Homes built on Hiatus Road. Ms. DiGeronimo advised close to 300 homes were built.

Councilmember Paul questioned whether there was a bond. Mr. Peters responded in the affirmative. Councilmember Paul questioned whether a decision had been made on a roundabout at Hiatus Road and Orange Drive. Councilmember Starkey advised that the majority of the community did not want the roundabout at that intersection.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to table to September 21, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Councilmember Crowley made a motion, seconded by Mayor Truex, to table to September 7, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

4.10 Councilmember Paul questioned the Town Attorney's salary increase request when the Town was trying to get a handle on its expenses. She commended Mr. Kiar's work for the Town, but was uncomfortable with the increase. Mr. Kiar felt the increase was minimal and pointed out that every year his office was well within the Town's budget. Councilmember Starkey spoke in favor of the Town Attorney's work and felt the amount requested was not even a cost of living increase.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to approve. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

4.17 This item was denied later in the meeting.

4.21 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence. The applicant agreed to waive the quasi-judicial hearing.

Doug Snyder, representing the petitioner, summarized the project and spoke of the laboratory's unique energy and environmental design as a "green building".

Councilmember Crowley welcomed the petitioner to Davie.

Council determined that no vote was needed on this item.

4.22 Vice-Mayor Hubert spoke of her previous request for affordable housing units to be included.

Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Peters summarized the staff report.

Vice-Mayor Hubert recalled her request that the petitioner contact Ms. Taylor-Prakelt to discuss allocating some units as workforce housing. Greg Meyer, representing the petitioner, advised the plat was consistent with the site plan use and did not appear to identify any workforce housing units. Mayor Truex asked whether this commitment had been made on the record. Mr. Kiar advised that if so, it would be enforceable. Vice-Mayor Hubert was concerned that housing rates had gone up since the petitioner appeared before Council last year. Councilmember Crowley asked Mr. Kutney if this provision would be

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identified on the plat if in fact the petitioner had made this commitment. Mr. Kutney stated the petitioner intended to comply with this provision and that it would not be identified on the plat. Vice-Mayor Hubert wanted the petitioner to honor last year's market rates for the affordable housing units. Councilmember Starkey was unsure that Council could make this stipulation.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Vice-Mayor Hubert advised she had spoken with the owner.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve subject to providing the two workforce housing units the petitioner committed to at the prior discussion. In a voice vote, all voted in favor. (Motion carried 5-0)

4.23 Councilmember Starkey questioned whether the Town was subordinating the travel center. Mr. Kovanes explained that this item extended the tolling agreement with the travel center. He felt this would be an extension of good faith with the new purchaser. Councilmember Starkey requested that Mr. Burke meet with her to address some of her concerns.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

**6. PUBLIC HEARING**

*Ordinances - First Reading (Second and Final Reading to be held September 7, 2005)*

6.1. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 12-1-03, VACATING A PORTION OF THE 15 FOOT RIGHT-OF-WAY LYING SOUTH OF TRACT 40 AS SHOWN ON "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", SECTION 21, TOWNSHIP 50 SOUTH, RANGE 40 EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 12-1-03, Oak Scholar Academy Charter School, 3655 Shotgun Road) (tabled from August 3, 2005) *Planning and Zoning Board recommended approval*

Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and asked whether Mr. Laystrom agreed to hear the three items (4.17, 6.1 and 6.3) as one quasi-judicial hearing. Mr. Laystrom agreed.

Bill Laystrom, representing the petitioner, summarized the project and updated Council on its progress since the last meeting. He advised that a dual access emergency plan had been developed.

Mr. Kiar swore in the witnesses.

Mr. Laystrom advised that this site plan included a shared access point with the archdiocese to the north. Regarding drainage, he advised that the site plan had to go before the Central Broward Water Control District for approval. Mr. Laystrom suggested that Council table the site plan pending the District's approval, and go ahead with the rezoning. He added that the petitioner would provide maintenance along the east side of the road and was prepared to stagger the school's hours of operation. Mr. Laystrom stated that per a video review conducted, the traffic circle operated well.

Jose Rodriguez, traffic engineer with Keith and Schnars, indicated that electronic indicators would be installed, along with school flashers. He spoke of traffic improvement proposals and their relevant costs.

Mr. Laystrom advised that meetings had been held with residents and their recommendations had been considered. He proposed to prepare a mitigation list for the site plan and wished to consider first the right turn lanes, the lane improvements within the roundabout, then move on to the metered lights. Mr. Laystrom felt the speed signals were a viable option.



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Vice-Mayor Hubert asked about bussing children from the east side. Mr. Laystrom stated that the developer would be willing to bus approximately 60 students on a tiered payment schedule.

Mayor Truex asked where the north property owner would access Shotgun Road. Mr. Laystrom indicated the access points on the illustration.

Councilmember Paul questioned offering a special privilege to one district and not to others. In response to Councilmember Crowley, Mr. Laystrom advised he would be meeting with the property owner on August 12th. Councilmember Paul took issue with Mr. Laystrom on his attempts to contact the owner.

Councilmember Starkey spoke of her discussions with GL Homes and of rumors regarding the School Board's plans for the site. Councilmember Paul advised that the School Board had a site for the school bus maintenance facility off US 27. She asked if there was a conflict with Keith and Schnars and the Town regarding the Commons project. Mr. Rodriguez responded in the negative.

Mr. Kiar opened the public hearing portion of the meeting.

Councilmember Paul asked about the trip generation study. Mr. Rodriguez advised that this had been reviewed and submitted to Mr. Peters and the traffic consultant. He stated the "worst case" estimate for the a.m. peak period was 705 trips and 549 trips in the p.m. peak period. Councilmember Paul asked if the background traffic had been submitted using a seven-day count. Mr. Rodriguez advised that originally a three-day count had been done and was later modified to include the one-day count done in May 2005. For surrounding roads, he stated that a count had been done for Shotgun Road, to Oakes Road and Orange Drive. Councilmember Paul asked if "ghost trips" that would be added to the highway network based on approved, undeveloped property had been included. Mr. Rodriguez indicated such trips had been included based on information received from Davie, Weston, Sunrise, Cooper City and Southwest Ranches. Mr. Rodriguez provided traffic count data for South Post Road and Shotgun Road. Councilmember Paul asked if background traffic had been increased for the opening day of school. Mr. Rodriguez responded in the affirmative. Councilmember Paul asked if school traffic had been distributed in terms of the local network. Mr. Rodriguez responded in the affirmative. Councilmember Paul took issue with the "D" level of service ratings given by Mr. Rodriguez.

Jeff Cohen was opposed to the project because of traffic concerns and provided pictures illustrating extensive traffic jams at a Country Isles community school which had three entrances and the exact same features as the proposed site.

Damon Carroll, 2701 SW 153 Lane, stated that to his knowledge, no attempts were made by the petitioner to meet with the owner. He spoke in opposition to the project.

Art Waggenheim, 14922 SW 33 Street, advised he had requested his own studies versus the developers. He spoke of an earlier study indicating this was a dangerous area for the proposed school. Mr. Waggenheim felt the Town would damage a third party as the archdiocese site would be affected. He explained that the school would not be a neighborhood school as it had the option of opening enrollment by lottery. Mr. Waggenheim suggested that Vice-Mayor Hubert seek a charter school in her district and asked that Council deny the project.

After being sworn in, Jeff Brazer, 14900 SW 33 Street, felt the charter school should be districted for west Davie. He felt the traffic circle would impede egress from the Riverstone community during construction and asked that Council deny the project.

Mark Mattozzi, 15190 SW 34 Street, voiced his opposition and concerns about the traffic. He also requested that Council deny the project.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Vice-Mayor Hubert advised that she had spoken with Mr. Laystrom and received emails. Councilmember Starkey advised that she had spoken with Mr. Laystrom and Mr. Waggenheim and had

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received several emails. Mayor Truex advised that he had received emails and spoken with Mr. Laystrom.

Mr. Laystrom submitted documents relevant to the application. He explained the petitioner's choice to conduct internal studies and assured Council that the proposed traffic improvements would work. Mr. Laystrom spoke in favor of the project, citing school overcrowding and the need for more schools in Davie.

Councilmember Paul asked if the petitioner would agree to only approve 450 students for the elementary school, review the problems, and then come back before Council as she was not comfortable with approving 500 students. Mr. Laystrom wanted to know what "the problems" were. Councilmember Paul stated that she was talking about safety issues.

Mayor Truex spoke in opposition to the project and pointed out that such projects sometimes worked out differently in actual practice. He was unhappy with Mr. Laystrom being "picked on" and vouched for his honesty and character. Mayor Truex pointed out Mr. Laystrom was doing his job even if Council did not agree with him.

Vice-Mayor Hubert took offense to a comment made about the east side residents not knowing how to use the roundabouts. She spoke of the need for schools in Davie and pointed out that her child and Mayor Truex's child were bussed out of Davie to school.

Vice-Mayor Hubert made a motion to approve. The motion died for lack of a second.

Councilmember Crowley recognized the need for more schools but felt the Town could do better than this project. He added that if traffic was going to impact the western community, the school should serve that area. Councilmember Crowley indicated that he would not support the project.

Councilmember Paul felt there was ample area to add multiple entrances and space for stacking on site. She felt the proposals offered would make traffic worse and she would not support the project even though she recognized the need for more schools. Councilmember Paul felt it was a fatal flaw of the School Board not to encourage a charter school owner to approach the Town first for appropriate location.

Councilmember Paul made a motion, seconded by Mayor Truex, to deny.

Councilmember Starkey spoke of her early support for the project and commended the reputation of the charter school. She voiced her confidence in the engineering report and her support for schools.

Regarding item 4.17 - In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - no; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion to deny carried 3-2)

Regarding item 6.3 - In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - no; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion to deny carried 3-2)

Regarding item 6.1 - Mr. Laystrom requested that the vacation be approved regardless of the outcome. Councilmember Paul was not in favor because this gave the developer land to work with. Mr. Kovanes stated that as an archaeological site through the county and state, nothing could be done on the property. Councilmember Crowley was not in favor of vacating without knowing what would be done on the site. Councilmember Starkey was in favor of vacating.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - no; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion to deny carried 3-2)

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**6.2. BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR THE FISCAL YEAR 2005.**

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this item at the September 7, 2005 meeting.

Councilmember Starkey stated that without a presentation, Council had no explanation to substantiate the revision request.

Deputy Budget and Finance Director Carol Menke explained that staff's overall goal was to follow Council's direction to clean up negative variances before the end of the year upon receiving the audit report last February.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held September 7, 2005)*

**6.3. REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-4-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-4-03, Oak Scholar of Broward, LLC, 3655 Shotgun Road) (tabled from August 3, 2005)**  
*Planning and Zoning Board recommended denial*

This item was denied earlier in the meeting.

*Quasi-Judicial Item*

**6.4. V 6-1-05, Phillips, 3601 SW 141 Avenue (R-1) Planning and Zoning Board recommended approval**

Earlier in the meeting, Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney summarized the variance request.

John Phillips, the petitioner, submitted letters of support from surrounding homeowners. Mr. Phillips explained the need for the variance and expressed his family's desire to move to Davie.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mayor Truex asked if two homes could be built on this site. Mr. Kutney responded in the negative.

Mr. Kiar turned this portion of the meeting over to Council for disclosures. Councilmember Paul advised she had spoken with Mr. Phillips. Councilmember Crowley advised he had spoken with Mr. Phillips. Vice-Mayor Hubert advised that she had spoken with Mr. Phillips. Councilmember Starkey advised she had spoken with Mr. Phillips.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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- 6.5. V 7-1-05, Lakeside Town Shops, Ltd./Target Corporation, 5800 South University Drive  
(UC) *Planning and Zoning Board recommended approval*

Earlier in the meeting, Town Attorney Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney summarized the planning report.

Councilmember Starkey voiced her concern about approving such variance requests which might later create hardships as in previous cases. She asked whether the sign could be sufficiently viewed from University Drive. Mr. Kutney indicated that staff felt the request was appropriate but agreed that such requests should be taken on a case-by-case basis.

John Petricola, representing the petitioner, presented proposals for signage and indicated that the request was for less signage than what was presented to the Development Review Committee.

Councilmember Crowley asked about the height of the logo. Mr. Petricola stated that the logo was 12x12 feet, which was 144 square feet, while the Code allowed for 150 square feet. Councilmember Crowley stated that he could not support this item unless the petitioner met with the residents.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley advised that he had spoken with residents in the Silverado development, Nova Homes, and Exotic Acres. He voiced his concern that the developer had indicated it would not come back for future variances. Councilmember Crowley stated that he was not in favor as the developer did not meet with residents.

Mayor Truex stated that he was not in favor of the Target logos on the towers. Councilmember Starkey agreed and felt the signage on University Drive was sufficient.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve subject to taking all the bull's-eyes off all the towers (one tower on the Stirling Road side and two towers on the University Drive side).

Mr. Petricola asked whether the bull's-eye could be replaced with text. Councilmember Starkey and Mayor Truex responded in the negative.

Mr. Petricola asked if he could ask for the square footage allowed, Target might want to exchange for some type of signage on University Drive. Councilmember Starkey indicated that she would not modify her motion and stated that she did not want a Target sign on University Drive when there were two monument signs.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

*Items to be tabled*

- 6.6. **ITEM AUTOMATICALLY TABLED BY THE PLANNING AND ZONING BOARD TO AUGUST 10, 2005 DUE TO NO QUORUM; COUNCIL CAN TABLE TO SEPTEMBER 7, 2005**

VA 10-1-04, Doumar, Allsworth et al/R & R Davie, LLC., 3550 Weston Road

This item was tabled earlier in the meeting.

- 6.7. **ITEM AUTOMATICALLY TABLED BY THE PLANNING AND ZONING BOARD TO AUGUST 10, 2005 DUE TO NO QUORUM; COUNCIL CAN TABLE TO SEPTEMBER 7, 2005**

ZB 11-1-04, Farida Plat, 950 South Flamingo Road (CF)

This item was tabled earlier in the meeting.

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**6.8. PETITIONER REQUESTING A TABLING TO SEPTEMBER 7, 2005**

SP 8-4-03, DiBenedetto Multi-Tenant Building, 5490 Griffin Road (Griffin Corridor District, East Gateway Use Zone 3) (tabled from July 20, 2005) *Site Plan Committee recommended approval based on the planning report and 1) that the engineering and landscape plans be brought back before this Committee corrected and matching the site plan with consistent landscaping throughout the property; 2) that the drainage issues be addressed; 3) to reduce the number of steps coming from the parking area to one, five-foot wide; 4) that the applicant apply for a parking variance; and 5) that the tabulations for parking reflect the daytime use and nighttime use*

This item was tabled earlier in the meeting.

**7. APPOINTMENTS**

7.1. Airport Advisory Board (one exclusive appointment - Councilmembers Crowley and Paul; terms expire December 2005)

No appointment was made.

7.2. School Advisory Board (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

7.3. Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

7.4. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

**8. OLD BUSINESS**

8.1. Modification to Waste Contract

Councilmember Starkey spoke of feedback she had received from residents who felt the program had been working well and were concerned about proposed changes.

Councilmember Paul stated that the expectation for August's pickup to begin the previous week had been problematic as Council had not yet approved the contract changes or informed residents accordingly.

Mr. Cohen referred to Section 2B "Bulk Waste" and advised that changes indicated tree trimmings and trunks would be handled with a fork truck.

Mayor Truex stated that the main problem was the dispute over what Waste Management would and would not pick up. He was not enthusiastic about approving any change unless it was worded to specify what would not be picked up. Tony Spadaccia, representing Waste Management, advised that Amendment 10 clearly stated Waste Management's rules and changes.

- Mr. Cohen referred to Councilmember Paul's question about whether 10-foot long tree lengths or branch lengths and the 50-pound weight limit would be appropriate. He indicated that while Mr. Spadaccia had responded affirmatively, these stipulations were not represented in the amendment.

Mr. Spadaccia cited safety concerns with regard to the weight limit. He pointed out that originally, Council had stipulated a 4-foot length for branches. He was willing to go up to a 5-foot length but was unwilling to compromise the safety of truck drivers by collecting 10-foot branches.

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Councilmember Starkey voiced similar safety concerns regarding 10-foot long branches. Vice-Mayor Hubert agreed and felt residents had some responsibilities as well. Councilmember Paul disagreed and took issue with the weight restriction. Mr. Spadaccia advised that the 40-pound weight restriction had been in place for many years.

- Mr. Cohen referred to language on the restriction regarding glass disposal. Mr. Spadaccia requested that residents place glass to the side of the bulk pile as it would be collected later the same day.

- Mr. Cohen referred to language on the restriction of bulk pile placement such as under overhead obstacles, trees or wires, etc. He stated that not placing bulk under overhead obstacles was reasonable, however, if the trees and wires were considerably above the bulk, he did not know where else the bulk could be placed. Mr. Cohen suggested that the first sentence read “bulk piles should be placed in a location that facilitates the safe collection with an overhead clam truck”. Mr. Spadaccia agreed with Mr. Cohen’s recommendation and indicated that if the driver found the conditions to be unsafe, the Town would be notified.

- Mr. Cohen referred to language on the restriction of items to be collected. He questioned how contractor-generated versus resident-generated construction debris would be identified. After some discussion, Mayor Truex suggested language stating “waste generated by homeowners for home improvement performed by the homeowner and within the size limits would be picked up. Mr. Spadaccia agreed with this language.

- Mr. Cohen referred to Council’s previous requests that the following be in writing: 1) the size of stumps allowed; 2) nothing would be left uncollected; and 3) use of the clam truck.

Mayor Truex wanted language in the contract to state that Waste Management was responsible if they damaged a yard. Regarding stumps, Mr. Spadaccia advised these were excluded as part of land clearing which was not acceptable. Councilmember Crowley questioned the weight limit of 50 pounds. Councilmember Starkey felt that overlapping conversations on this issue led to more confusion and continuous changes.

Mr. Spadaccia offered to collect waste with a limit of 5 feet and a weight limit of 75 pounds for stumps, tree trunks and logs. He also offered to collect palm fronds/branches up to a 10-foot limit.

Councilmember Crowley was concerned about residents already putting out bulk waste for collection on August 18th. Mr. Cohen advised that staff would write out the terms of the modified agreement and send mailers out to residents. He stated that bulk collection would be handled by the Town until the regular schedule resumed with Waste Management.

Councilmember Paul asked if Waste Management could direct its staff to make a statement “that would not alienate the residents when they called” and to be more friendly.

Council discussed Waste Management’s offer to raise the 50-pound limit to 75 pounds.

Mr. Cohen spoke of the need to have Waste Management billed on the tax note. He advised that due to time constraints, a special meeting needed to be held on August 31st to present the documentation to meet this deadline.

Mr. Cohen indicated that the revisions needed to be approved as a resolution. Mr. Kiar was in agreement.

#### 8.2. Contract for Police/Fire Memorial - Councilmember Starkey

Councilmember Starkey spoke of the need to reconsider this item.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to reconsider. Mr. Kiar advised that the sculptor did not want to change the jurisdiction. In a voice vote, all voted in favor. (Motion carried 5-0)

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Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve the original contract as it was granted. In a voice vote, all voted in favor. (Motion carried 5-0)

**9. NEW BUSINESS**

9.1. Mitigation Guidelines

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to table to September 7, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

**10. MAYOR/COUNCILMEMBER'S COMMENTS**

No comments were provided.

**11. TOWN ADMINISTRATOR'S COMMENTS**

No comments were provided.

**12. TOWN ATTORNEY'S COMMENTS**

No comments were provided.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 11:53 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk

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